

BARRY J. PORTMAN  
Federal Public Defender  
ELIZABETH M. FALK  
Assistant Federal Public Defender  
450 Golden Gate Avenue  
San Francisco, CA 94102  
Telephone: (415) 436-7700  
Counsel for Defendant DAVIS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                           |   |                                     |
|---------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA, | ) | No. CR 11-0337 MMC                  |
| Plaintiff,                | ) |                                     |
| v.                        | ) | STIPULATION and <del>PROPOSED</del> |
| WILLIAM DAVIS,            | ) | ORDER TO CONTINUE STATUS            |
| Defendant.                | ) | CONFERENCE                          |
|                           | ) | Date: September 7, 2011             |
|                           | ) | Time: 2:30 p.m.                     |
|                           | ) | Court: The Honorable Maxine M.      |
|                           | ) | Chesney                             |

Undersigned counsel stipulate as follows:

1. A status conference is currently scheduled in this matter on September 7, 2011 at 2:30 p.m;
2. Undersigned counsel from the Federal Public Defender only recently became counsel of record on the aforementioned case, as retained counsel Randy Sue Pollack was relieved on August 25, 2011. Defense counsel needs additional time to come up to speed on the case, review discovery and meet with her client regarding a proposed disposition;
3. Undersigned government counsel has no objection to defense counsel's request for additional time;
4. The parties jointly request October 5, 2011 as the next date before the Court, as defense counsel will be in trial before Judge Seeborg from

September 13-September 20 and will be unavailable to attend to this case during that week;

5. The parties jointly request that the Court exclude the period of time between September 7, 2011 and October 5, 2011 under the Speedy Trial Act for effective preparation of counsel and continuity of counsel; namely, defense counsel needs more time to analyze and review the discovery in the case having only recently been appointed. Further, defense counsel is unavailable to attend to this case for a week during the excluded period, namely September 13-September 20, which provides an alternate basis to exclude time. *See* 18 U.S.C. § 3161(h)(7)(A) and (b)(iv).

IT IS SO STIPULATED.

DATED: September 6, 2011 \_\_\_\_\_/S/\_\_\_\_\_

ELIZABETH M. FALK  
Assistant Federal Public Defender

DATED: September 6, 2011 \_\_\_\_\_/S/\_\_\_\_\_

CHINHAYI CADET  
Assistant United States Attorney

I hereby attest that I have on file all holographic signatures indicated by a “conformed” signature (/S/) within this efiled document.

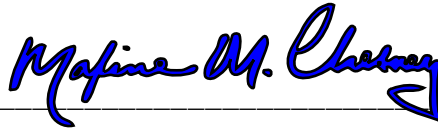
**~~PROPOSED~~ ORDER**

GOOD CAUSE APPEARING, it is hereby ORDERED that the status conference, previously scheduled for September 7, 2011 at 2:30 p.m., is hereby CONTINUED to October 5, 2011 at 2:30 p.m.. The Court further orders and finds, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and the reasons stated in this stipulation, that the failure to grant the requested continuance would deny defense counsel the reasonable time

1 necessary for effective preparation of a defense. Accordingly, the Court will exclude the  
2 time period of September 7, 2011 through October 5, 2011 from the Speedy Trial  
3 calculation, and finds that the ends of justice served by granting the requested four week  
4 continuance outweighs the best interest in the defendant and the public in a speedy trial.  
5 18 U.S.C. § 3161(h)(7)(A) and (B)(iv)

6  
7 IT IS SO ORDERED.

8  
9 DATED: \_\_Sep. 6, 2011\_\_



10 THE HONORABLE MAXINE M. CHESNEY  
11 UNITED STATES DISTRICT JUDGE  
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